

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, January 16, 2007

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Colleen Ressler, Pastoral Care, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Senators Bowman and Heitkamp.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Ninth Day and recommends that it be revised to include the following first readings, and when so revised, recommends that it be approved:

Page 94, after line 5, insert:

"Sens. Oehlke, Krauter, Wardner and Reps. Glassheim, N. Johnson, R. Kelsch introduced:

**SB 2258:** A BILL for an Act to amend and reenact sections 57-39.7-01, 57-39.7-02, and 57-39.7-03 of the North Dakota Century Code, relating to making permanent the lodging gross receipts tax; to provide an appropriation; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Dever, Flakoll, Freborg and Reps. Delmore, Headland, Thoreson introduced:

**SB 2259:** A BILL for an Act to amend and reenact subsections 1, 2, 3, 8, and 9 of section 12.1-32-15 of the North Dakota Century Code relating to registration requirements for sexual offenders and offenders against children.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Robinson, Christmann, Fischer and Reps. Koppelman, Kreidt, Mueller introduced:

**SB 2260:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24, a new section to chapter 19-03.1, a new section to chapter 43-12.1, a new subsection to section 43-15-10, a new section to chapter 43-23, a new subsection to section 43-28-06, and a new section to chapter 43-41 of the North Dakota Century Code, relating to criminal history record checks; to amend and reenact sections 12-60-16.5, 12-60-16.6, 12-60-24, 15.1-13-14, 32-28-02, 50-11-01, 50-11-02.4, 50-11-06.8, 50-11-06.9, 50-11.3-01, and 50-12-03.2, subsection 4 of section 53-06.2-05, and section 54-59-20 of the North Dakota Century Code, relating to criminal history record checks; and to declare an emergency.

Was read the first time and referred to the **Judiciary Committee**.

Sen. Olafson and Rep. N. Johnson introduced:

**SB 2261:** A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to costs of investigation, prosecution, and hearing; to amend and reenact section 5-02-10 of the North Dakota Century Code, relating to hearing of violations; and to provide a continuing appropriation.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Hacker, Potter, Wanzek and Reps. DeKrey, Delmore, S. Kelsh introduced:

**SB 2262:** A BILL for an Act to amend and reenact section 12.1-06-05 of the North Dakota Century Code, relating to the renunciation of criminal intent.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Robinson, Klein, G. Lee and Reps. Delmore, Nelson, Price introduced:

**SB 2263:** A BILL for an Act to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to veterans' number plates.

Was read the first time and referred to the **Transportation Committee**.

Sens. Taylor, Hacker, Potter and Reps. Delmore, Hawken, Onstad introduced:

**SB 2264:** A BILL for an Act to amend and reenact section 23-10-13 of the North Dakota Century Code, relating to sale of a mobile home park.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sen. Andrist and Rep. Froseth introduced:

**SB 2265:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to records of victims of domestic violence; and to amend and reenact subsection 4 of section 28-32-08, subsection 2 of section 28-32-10, subsection 5 of section 28-32-19, section 28-32-33, subsections 2, 6, and 8 of section 44-04-18, subsections 1 and 6 of section 44-04-18.7, subsection 4 of section 44-04-18.10, section 44-04-18.13, subsection 2 of section 44-04-28, and section 57-40.6-07 of the North Dakota Century Code, relating to fees and discovery in adjudicative proceedings, fees for copies, providing copies of records, personal records in criminal files, release of confidential records, lists of minors, release of social security numbers, and release of 911 records.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Nething, Taylor and Reps. DeKrey, Dosch introduced:

**SB 2266:** A BILL for an Act to create and enact section 51-15-02.1 of the North Dakota Century Code, relating to an obligation to advertise upon endorsement of a check; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Heitkamp, Bakke, Potter and Reps. Amerman, Delmore, Schneider introduced:

**SB 2267:** A BILL for an Act to amend and reenact subsection 3 of section 34-12-01 of the North Dakota Century Code, relating to the definition of employer for labor-management relations purposes.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Klein, Hacker, Heitkamp and Reps. Ekstrom, N. Johnson, Keiser introduced:

**SB 2268:** A BILL for an Act to create and enact chapter 26.1-33.3 of the North Dakota Century Code, relating to viatical settlement contracts; to amend and reenact subdivision a of subsection 21 of section 10-04-02 of the North Dakota Century Code, relating to the definition of viatical settlement contract; to repeal chapter 26.1-33.2 of the North Dakota Century Code, relating to viatical settlement contracts; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Grindberg, Lyson and Reps. DeKrey, Gruchalla introduced:

**SB 2269:** A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to drink discounting.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sen. Grindberg and Rep. Carlson introduced:

**SB 2270:** A BILL for an Act to create and enact a new section to chapter 57-13 of the North Dakota Century Code, relating to valuation of residential and commercial property by the state board of equalization.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Holmberg, Klein, Wardner and Reps. Boehning, Carlson, Martinson introduced:

**SB 2271:** A BILL for an Act to amend and reenact sections 11-33-01, 11-33.2-11, 40-47-04, 40-48-21, and 58-03-13 of the North Dakota Century Code, relating to requiring findings or statements upon which zoning requests and subdivision plat requests are disapproved.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sen. Erbele introduced:

**SB 2272:** A BILL for an Act to provide an appropriation for a Nokota horse living history museum and sanctuary.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Wardner, Lyson and Reps. Dosch, Kretschmar, Porter introduced:

**SB 2274:** A BILL for an Act to amend and reenact sections 32-09.1-07 and 32-09.1-09 of the North Dakota Century Code, relating to the garnishment summons, notice, and disclosure.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Lindaas, Triplett, Urlacher and Reps. Damschen, D. Johnson, Kaldor introduced:

**SB 2275:** A BILL for an Act to provide an appropriation to the state treasurer for providing grants to counties for township road and bridge maintenance and improvements.

Was read the first time and referred to the **Transportation Committee**.

Sens. Wardner, Cook, Robinson and Reps. Aarsvold, Damschen, Price introduced:

**SB 2276:** A BILL for an Act to provide duties of the prevention and advisory council; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

Sen. Holmberg introduced:

**SB 2277:** A BILL for an Act to amend and reenact sections 28-23-01, 28-23-02, 28-23-04, 28-23-05, 28-23-06, 28-23-07, 28-23-09, 28-23-11, 28-23-12, 28-23-13, and 28-23-14 of the North Dakota Century Code, relating to sales under execution.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Wanzek, Heitkamp, Klein and Reps. Belter, Boe, D. Johnson introduced:

**SB 2278:** A BILL for an Act to create and enact a new section to chapter 11-33, a new section to chapter 23-01, and a new section to chapter 58-03 of the North Dakota Century Code, relating to county and township zoning regulation of concentrated animal feeding operations and a repository for zoning regulations.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Bakke, Anderson, Heckaman and Reps. Delmore, Potter, Wolf introduced:

**SB 2279:** A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota Century Code, relating to the reimbursement of school districts for special education; to amend and reenact sections 15.1-27-32, 15.1-31-04, 15.1-32-14, 15.1-32-15, and 15.1-32-19 of the North Dakota Century Code, relating to special education payments to school districts; and to repeal sections 15.1-27-10 and 15.1-32-18 of the North Dakota Century Code, relating to per student special education payments and liability for special education costs.

Was read the first time and referred to the **Education Committee**.

Sens. Klein, Kilzer introduced:

**SB 2280:** A BILL for an Act to amend and reenact section 47-22-04 of the North Dakota Century Code, relating to duties of the secretary of state with respect to registration of trademarks.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Erbele, Taylor, Urlacher and Reps. Brandenburg, Damschen, Kempenich introduced:

**SB 2281:** A BILL for an Act to amend and reenact section 20.1-01-17, subdivision g of subsection 5 of section 39-24-09, and subdivision g of subsection 5 of section 39-29-09 of the North Dakota Century Code, relating to posting land to prohibit hunting and the operation of snowmobiles and off-highway vehicles.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Heitkamp, Erbele, Wanzek and Reps. Gullekson, Nelson, Wall introduced:

**SB 2282:** A BILL for an Act to provide renewable fuel goals and flexible fuel vehicle registration goals; to create and enact a new subsection to section 4-14.1-03.1, a new subsection to section 39-04-19, two new sections to chapter 57-38, a new subsection to section 57-38-30.3, and a new section to chapter 57-43.1 of the North Dakota Century Code, relating to renewable energy research council renewable fuels grants, flexible fuel vehicle registration fees, motor vehicle fuel tax on ethanol-blended fuel, and corporate income tax credits to promote renewable energy sales and use; to provide an appropriation; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Transportation Committee**.

Sens. Triplett, Wanzek, Warner and Reps. DeKrey, Onstad, Price introduced:

**SB 2283:** A BILL for an Act to provide an appropriation to the department of agriculture to defray the expenses of farmers market development and promotion.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Hacker, Triplett and Reps. Delmore, Glassheim, Koppelman introduced:

**SB 2284:** A BILL for an Act to amend and reenact subsection 4 of section 28-22-03.1 of the North Dakota Century Code, relating to exemption from process for proceeds of a personal bodily injury recovery.

Was read the first time and referred to the **Judiciary Committee**.

Sen. Krauter and Reps. Froelich, Kerzman, Mueller introduced:

**SB 2285:** A BILL for an Act to amend and reenact sections 35-17-04, 35-30-02, and 35-31-02 of the North Dakota Century Code, relating to notification of debtor of agister's lien, agricultural processor's lien, and agricultural supplier's lien.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Flakoll, Fiebigler, Triplett and Rep. Hawken introduced:

**SB 2286:** A BILL for an Act to amend and reenact sections 40-18-15 and 40-18-15.1 of the North Dakota Century Code, relating to prosecutions in municipal court for violations of city ordinances in home rule cities.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Bakke, Horne, Nething and Reps. Mueller, Potter introduced:

**SB 2287:** A BILL for an Act to amend and reenact section 15.1-13-25 of the North Dakota Century Code, relating to cause for the suspension or revocation of teaching licenses; and to declare an emergency.

Was read the first time and referred to the **Education Committee**.

Sens. Nething, Erbele, Heitkamp and Reps. DeKrey, Gruchalla, Nelson introduced:

**SB 2288:** A BILL for an Act to provide for a biomass energy center; to create and enact a new chapter to title 54 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to a renewable energy policy, council, and development fund for installation of geothermal, solar, or wind energy devices under the simplified method of computing income tax; to amend and reenact sections 4-14.1-01.1, 4-14.1-09, 6-09.17-01, 6-09.17-02, 6-09.17-03, 6-09.17-04, 39-04-39, and 57-38.6-03 of the North Dakota Century Code, relating to ethanol and renewable fuels incentives, expansion of the biodiesel partnership in assisting community expansion program, and distribution of motor vehicle registration fees and the agricultural business investment tax credit; to provide an appropriation; to provide a continuing appropriation; and to provide an effective date.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Krauter, Heitkamp, Lyson and Reps. Dietrich, Hanson, Wrangham introduced:

**SB 2289:** A BILL for an Act to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the youth pheasant hunting season.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Taylor, Freborg and Reps. Charging, DeKrey introduced:

**SB 2290:** A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to hunting big game from roads or highways.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Potter, Bakke, Nelson and Reps. Boucher, Glassheim, Kaldor introduced:

**SB 2291:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual and corporate income tax credit for a portion of property taxes, rent, and mobile home taxes paid by the taxpayer; to provide an appropriation; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Nething, Dever, Robinson and Reps. Amerman, DeKrey, Delmore introduced:

**SB 2292:** A BILL for an Act to amend and reenact section 65-02-27 and subsection 4 of section 65-05-32 of the North Dakota Century Code, relating to changing the administration of the workforce safety and insurance's office of independent review to the department of labor; and to provide for transition.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Erbele, Hacker, Tollefson and Reps. Bellew, DeKrey, Wieland introduced:

**SB 2293:** A BILL for an Act to create and enact a new subsection to section 20.1-03-04 of the North Dakota Century Code, relating to hunting, fishing, and trapping privileges for active duty military members.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Nething, Robinson, Triplett and Reps. Amerman, DeKrey, Kasper introduced:

**SB 2294:** A BILL for an Act to amend and reenact section 65-05-35 of the North Dakota Century Code, relating to reopening of workforce safety and insurance claims that are presumed closed.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Klein, Nelson and Reps. Boe, Delzer, Wrangham introduced:

**SB 2295:** A BILL for an Act to amend and reenact subsection 1 of section 6-01-01.1 and sections 6-03-02.2, 6-06-06.1, 6-06-35, and 6-09-36 of the North Dakota Century Code, relating to conversion of a state credit union to a building and loan association and repealed building and loan association law references; to repeal title 7 of the North Dakota Century Code, relating to building and loan associations; to provide for a department of financial study and report to the legislative council; to provide a penalty; and to provide an effective date.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Wanzek, Erbele, Grindberg and Reps. Dietrich, Ruby, Vigesaa introduced:

**SB 2296:** A BILL for an Act to amend and reenact sections 26.1-25-02.1 and 26.1-25-04 of the North Dakota Century Code, relating to the definitions of noncompetitive market, insurance company rate filings, and policy forms.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Nething, Cook, Robinson and Reps. DeKrey, R. Kelsch, Skarphol introduced:

**SB 2297:** A BILL for an Act to amend and reenact section 65-05-28 of the North Dakota Century Code, relating to workers' compensation independent medical examinations.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Klein, Erbele, Grindberg and Reps. Brandenburg, Headland, Pollert introduced:

**SB 2298:** A BILL for an Act to create and enact a new subsection to section 57-38-01.8 and a new subsection to section 57-40.2-03.3 of the North Dakota Century Code, relating to the income tax credit for installation of geothermal, solar, or wind energy devices, a use tax exemption for purchases of power plant production equipment and related tangible personal property, and machinery or equipment and related tangible personal property used to construct an agricultural commodity processing facility; and to amend and reenact sections 57-39.2-04.2, 57-39.2-04.4, and 57-40.2-04.2 of the North Dakota Century Code, relating to the definition of power plants, removal of obsolete language, and applications for exemption from sales tax for tangible personal property used to construct agricultural commodity processing facilities.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Holmberg, Horne, Wardner and Reps. Boehning, Carlson, Ruby introduced:

**SB 2299:** A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to city governing body authority to adopt a standard of valuation of less than true and full value for property tax purposes for certain vacant lots; and to provide an effective date.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Klein, Dever, Robinson and Reps. Boe, Kasper, Wald introduced:

**SB 2300:** A BILL for an Act to amend and reenact sections 6-08.4-01 and 6-08.4-06 of the North Dakota Century Code, relating to interstate branching by banks; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. J. Lee, Hacker and Reps. Boehning, Ekstrom, Hawken introduced:

**SB 2301:** A BILL for an Act to provide for the regulation of scrap metal purchases by scrap metal dealers; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Nething, Robinson, Wardner and Reps. Carlisle, Delmore, Martinson introduced:

**SB 2302:** A BILL for an Act to provide an appropriation to the state department of health for providing grants to domestic violence sexual assault organizations.

Was read the first time and referred to the **Human Services Committee**.

Sen. J. Lee and Rep. Price introduced:

**SB 2303:** A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to creation of a health information technology steering committee; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

Sens. Robinson, Bakke and Reps. Drovdal, Kroeber, L. Meier introduced:

**SB 2304:** A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to coordinators of English language learner services; and to provide appropriations.

Was read the first time and referred to the **Education Committee**.

Sens. Triplett, Bowman, Cook and Reps. DeKrey, Griffin, Wieland introduced:

**SB 2305:** A BILL for an Act to amend and reenact section 24-05-10 of the North Dakota Century Code, relating to the membership of a special board to fix damages in county highway right of way condemnations.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Nething, Robinson, Wanzek and Reps. Aarsvold, Glassheim, N. Johnson introduced:

**SB 2306:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to matching grants for endowed scholarships by the

state board of higher education; to provide for a transfer; and to provide an appropriation.

Was read the first time and referred to the **Education Committee**.

Sen. Holmberg introduced:

**SB 2307:** A BILL for an Act to create and enact sections 28-21-03.1 and 28-21-04.2 of the North Dakota Century Code, relating to general and summary execution of judgment; and to amend and reenact sections 28-21-01, 28-21-03, 28-21-04, 28-21-04.1, 28-21-05, 28-21-05.1, 28-21-06, 28-21-07, 28-21-08, 28-21-09, 28-21-10, 28-21-13, 28-21-17, 28-21-18, and 28-23-11 of the North Dakota Century Code, relating to execution of judgment.

Was read the first time and referred to the **Judiciary Committee**.

Sens. J. Lee, Warner and Reps. Kreidt, Price introduced:

**SB 2308:** A BILL for an Act to amend and reenact sections 23-06.5-03 and 23-06.5-05.1 of the North Dakota Century Code, relating to provisions of a health care directive.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Nething, Bakke, Freborg and Reps. Haas, Kaldor, R. Kelsch introduced:

**SB 2309:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to high school coursework requirements; and to amend and reenact sections 15.1-01-02 and 15.1-21-02.1 of the North Dakota Century Code, relating to high school graduation requirements and student proficiency.

Was read the first time and referred to the **Education Committee**.

Sens. Stenehjem, O'Connell and Reps. Berg, Boucher introduced:

**SB 2310:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to legislative authority to accept and expend donations; to provide a continuing appropriation; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Krauter, Christmann, Urlacher and Reps. Froelich, Headland introduced:

**SB 2311:** A BILL for an Act to amend and reenact section 57-39.5-02 of the North Dakota Century Code, relating to the length of time farm machinery must be under lease or rental to be considered used machinery for farm machinery gross receipts tax purposes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Krauter, Erbele, J. Lee and Reps. Kerzman, Koppelman, Price introduced:

**SB 2312:** A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code, relating to the alternatives-to-abortion services program; to provide for reports to the legislative council; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

Sens. Christmann, Flakoll, Nelson and Reps. Delmore, R. Kelsch, Mueller introduced:

**SB 2313:** A BILL for an Act to provide for state department of health grants to school districts for automated external defibrillators; and to provide an appropriation.

Was read the first time and referred to the **Education Committee**.

Sens. Nething, Andrist, Fiebiger and Reps. Delmore, R. Kelsch, Nelson introduced:

**SB 2314:** A BILL for an Act to amend and reenact sections 39-04.2-03 and 39-04.2-04 of the North Dakota Century Code, relating to motor vehicle registration fees and funding of public transportation; and to provide notice of fee increases.

Was read the first time and referred to the **Transportation Committee**.

Sens. Christmann, G. Lee and Reps. Heller, Kreidt introduced:

**SB 2315:** A BILL for an Act to amend and reenact section 49-11-30 of the North Dakota Century Code, relating to damages for a railroad's failure to fence.

Was read the first time and referred to the **Transportation Committee**.

Sens. Christmann, Klein, G. Lee and Reps. Boe, Heller, Sukut introduced:

**SB 2316:** A BILL for an Act to create and enact a new subsection to section 39-12-17 of the North Dakota Century Code, relating to overweight vehicle penalties.

Was read the first time and referred to the **Transportation Committee**.

Sens. Oehlke, Christmann and Rep. Heller introduced:

**SB 2317:** A BILL for an Act to create and enact a new subdivision to subsection 5 of section 19-03.1-05 of the North Dakota Century Code, relating to including salvia divinorum as a schedule I controlled substance.

Was read the first time and referred to the **Judiciary Committee**.

Sen. Nething introduced:

**SB 2318:** A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-04 of the North Dakota Century Code, relating to accident and health policy provisions.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Grindberg, Lyson, Nelson and Reps. DeKrey, Delmore, Thoreson introduced:

**SB 2319:** A BILL for an Act to amend and reenact sections 19-03.1-01 and 19-03.4-08 of the North Dakota Century Code, relating to definitions and the sale of scheduled listed chemical products.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Wardner, Lyson and Reps. DeKrey, Klemin introduced:

**SB 2320:** A BILL for an Act to amend and reenact section 12.1-32-07 of the North Dakota Century Code, relating to the revocation of probation.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Mathern, Hacker, J. Lee and Reps. Wieland, N. Johnson, Conrad introduced:

**SB 2321:** A BILL for an Act to create and enact two new sections to chapter 54-44.3 of the North Dakota Century Code, relating to authorizing political subdivisions to request an exemption from coverage under the state merit system.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Krauter, Triplett and Reps. Gulleason, Kerzman introduced:

**SB 2322:** A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to state aid distribution fund allocation of sales, gross receipts, use, and motor vehicle excise tax revenues among political subdivisions; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Wanzek, Christmann, Klein and Reps. D. Johnson, Mueller, Pollert introduced:

**SB 2323:** A BILL for an Act to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees; and to provide an appropriation.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Nething, Andrist, Grindberg introduced:

**SB 2324:** A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to eligibility for the homestead property tax credit; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Nething, Andrist, Grindberg introduced:

**SB 2325:** A BILL for an Act to amend and reenact section 57-38-29 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax rates for individuals, estates, and trusts; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Mathern, Fischer, J. Lee and Reps. Price, Schneider introduced:

**SB 2326:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance and other health coverage for families of children with disabilities; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sens. Nelson, Horne, Robinson and Reps. Hawken, Mueller introduced:

**SCR 4010:** A concurrent resolution in memory of James D. Ployhar.

Was read the first time and referred to the **Education Committee**.

Sens. J. Lee, Nelson, Nething and Reps. Boucher, DeKrey, S. Meyer introduced:

**SCR 4011:** A concurrent resolution directing the Legislative Council to study the formation of a North Dakota gaming commission to regulate and control all forms of gaming in North Dakota.

Was read the first time and referred to the **Judiciary Committee**.

**SEN. ANDRIST MOVED** that the report be adopted, which motion prevailed.

#### **CONSIDERATION OF AMENDMENTS**

**SB 2050: SEN. HORNE (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 85 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2114: SEN. TAYLOR (Agriculture Committee) MOVED** that the amendments on SJ pages 86-87 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2053: SEN. HACKER (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 85-86 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2060: SEN. J. LEE (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 86 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2087: SEN. ANDRIST (Transportation Committee) MOVED** that the amendments on SJ page 86 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Stenehjem, J. Lee, O'Connell and Reps. Berg, Boucher, Delzer introduced:

**SCR 4002:** A concurrent resolution honoring and remembering Gerald R. Ford, Thirty-eighth President of the United States.

Was read the first time.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, that SCR 4002 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Stenehjem, J. Lee, O'Connell and Reps. Berg, Boucher, Delzer introduced:

**SENATE CONCURRENT RESOLUTION NO. 4002**

A concurrent resolution honoring and remembering Gerald R. Ford, Thirty-eighth President of the United States.

**WHEREAS**, all North Dakotans were saddened to learn of the death of former President Gerald R. Ford on December 26, 2006; and

**WHEREAS**, President Gerald R. Ford served in the Pacific Theatre in the United States Navy during World War II, in the United States House of Representatives, including eight years as minority leader, as vice president, and as President of the United States; and

**WHEREAS**, President Gerald R. Ford had strong Midwestern roots, having been born in Nebraska, attended college at the University of Michigan where he helped his football team win two national titles, and having represented the state of Michigan in Congress; and

**WHEREAS**, President Gerald R. Ford will be remembered for having restored honesty, candor, and integrity to government as he ushered in a new era of national healing at a time of crisis in our nation; and

**WHEREAS**, President Gerald R. Ford's steadfast support of his wife Betty during her struggles with breast cancer and substance abuse addiction helped remove the stigmas associated with these medical and social ills; and

**WHEREAS**, North Dakotans were particularly honored when as President, Gerald R. Ford named a North Dakotan, Thomas Kleppe, to the cabinet position of Secretary of the Interior; and

**WHEREAS**, all North Dakotans join our nation in mourning the passing of this great American;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That we join all North Dakotans in expressing our sorrow on the passing of former President Gerald R. Ford as we honor and remember him for his loyal and dedicated service to our country; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the family of former President Gerald R. Ford and a copy to the Gerald R. Ford Presidential Library and Museum in Grand Rapids, Michigan.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4002:** A concurrent resolution honoring and remembering Gerald R. Ford, Thirty-eighth President of the United States.

The question being on the final adoption of the resolution, which has been read.

SCR 4002 was declared adopted on a voice vote.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and SCR 4002 be messaged to the House immediately, which motion prevailed.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the remarks of Sen. Stenehjem be printed in the Journal, which motion prevailed.

#### **REMARKS OF MAJORITY LEADER STENEHJEM**

Senate Concurrent Resolution 4002 honors Gerald R. Ford, 38th President of the United States. All North Dakotans were saddened to learn of the death of former President Gerald R. Ford on December 26, 2006. Ford's life was one of public service, serving in the Navy during World War II and in the United States House of Representatives for 25 years, including eight as Minority Leader.

As President, Ford restored integrity and candor to government as he ushered in an era of national healing at a time of crisis. In supporting his wife Betty during struggles with breast cancer and substance abuse addiction, he helped remove the stigmas of these medical and social ills. He did much to steady the ship of state in a turbulent time, and for that we express our gratitude, mourn his passing, and honor him today.

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4002.

#### **SECOND READING OF SENATE BILL**

**SB 2031:** A BILL for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to public utility rate adjustments for recovery of transmission facility costs.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2031 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to amend and reenact subsections 1, 2, and 6 of section 57-38-04 and subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to the credit for income taxes paid to another state; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2082 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2083:** A BILL for an Act to create and enact a new subsection to section 57-38-38 of the North Dakota Century Code, relating to the time period for auditing the seed capital investment tax credit and the agricultural business investment tax credit.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2083 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2098:** A BILL for an Act to amend and reenact sections 5-02-05, 5-02-05.1, and 19-03.1-44 of the North Dakota Century Code, relating to dispensing of alcoholic beverages, Sunday alcoholic beverage permits, and drug usage reporting requirements; and to repeal sections 54-12-19 and 54-12-20 of the North Dakota Century Code, relating to the block house program.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Dever; Freborg

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2098 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2105:** A BILL for an Act to amend and reenact sections 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to dairy products regulations.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

Engrossed SB 2105 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2106:** A BILL for an Act to amend and reenact section 43-43-05 of the North Dakota Century Code, relating to environmental health practitioners.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Oehlke; Olafson; Robinson

**NAYS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2106 lost.

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#### **REQUEST**

**SEN. ROBINSON REQUESTED** that the record show he intended to vote "NAY" on SB 2106, which request was granted.

#### **SECOND READING OF SENATE BILL**

**SB 2107:** A BILL for an Act to amend and reenact section 4-33-12 of the North Dakota Century Code, relating to deposit of fees for agricultural export certification services.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Stenehjem

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2107 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2124:** A BILL for an Act to amend and reenact sections 50-24.1-02.5 and 50-24.1-07 of the North Dakota Century Code, relating to implementing federal medical assistance provisions; to repeal sections 50-24.1-02.9 and 50-24.1-21 of the North Dakota Century Code, relating to long-term care insurance and medical assistance waiver provisions inconsistent with federal law; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Tollefson; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Krauter; Taylor; Triplett

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2124 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2168:** A BILL for an Act to amend and reenact section 43-23-23 of the North Dakota Century Code, relating to errors and omissions coverage offered by the real estate commission.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Bowman; Heitkamp

SB 2168 passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4004:** A concurrent resolution directing the Legislative Council to study the respective responsibilities of county and state judicial system personnel under the Uniform Juvenile Court Act in light of statutory ambiguities in defining those responsibilities.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4004 was declared adopted, and the title was agreed to on a voice vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2210 be returned to the Senate floor from the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2210 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business today and on the Eleventh legislative day and at the conclusion of those orders today, the Senate stand adjourned until 1:00 p.m., Thursday, January 18, 2007, which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2040, SB 2044, SB 2048.

**REPORT OF STANDING COMMITTEE**

**SB 2037: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2037 was placed on the Sixth order on the calendar.

Page 2, line 12, overstrike "A" and insert immediately thereafter "For the purposes of this subsection, a"

Page 2, line 15, after "~~the~~" insert:

"a."

Page 2, line 23, overstrike "a." and insert immediately thereafter "(1)"

Page 2, line 25, overstrike "b." and insert immediately thereafter "(2)"

Page 2, line 26, overstrike "c." and insert immediately thereafter "(3)"

Page 2, after line 29, insert:

"b. For the purposes of this subsection, a major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more."

Page 8, line 11, after "**powers**" insert "- Exempt records"

Page 8, line 14, after the first period insert "The information technology department, at the direction of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1, and any other person designated by the board may access the system. The system only may be accessed for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record." and after "staff" insert "and other necessary"

Page 8, line 15, after "policy" insert "and adopt rules" and after "the" insert "access to and the"

Page 8, line 18, remove "Only entities within the"

Page 8, remove line 19

Page 8, line 20, remove "justice information sharing system."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2051: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2078: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2095: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 was placed on the Sixth order on the calendar.

Page 1, line 2, after "definitions" insert "; and to declare an emergency"

Page 5, after line 11, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2170: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Eleventh order on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

**William R. Horton, Secretary**